

REMARKS

Newly submitted claims 11 to 15 do not assert “use” claims and hence the Examiner’s objection under 35 U.S.C. 101 to original claims 3-5 and 9 is now moot.

Newly substituted claims 11 to 15 are submitted to patentably distinguish the disclosures in Webster et al. and Godfrey, which were cited by the Examiner under 35 U.S.C. 103(a) against original claims 1, 2, 6-8 and 10. Neither Webster et al. nor Godfrey disclose the presence of an acyl group substituted by an unsaturated hydrocarbon as claimed in new claim 11.

For example, new claim 11 is directed to unsaturated hydrocarbon acyl compounds whereas the compounds disclosed by Webster et al. incorporate alkyl acyl groups. The compounds of claim 11 therefore represent a different genus of compounds compared to the compounds of the Webster et al. It is submitted the compounds disclosed in Webster et al. and Godfrey provide no teaching motivation or suggestion for the skilled person to synthesize a genus of compounds having unsaturated hydrocarbon acyl, as claimed in newly submitted claim 11.

The compounds as shown in Table 1a, page 6 and 7 of the specification, and recited in new claim 11, possess superior activity (lower IC₅₀-values) over XN3, which is disclosed in Webster et al., against Ovar-3 ovarian cancer cells. Further, for example, compound 0058 (third compound from bottom on page 15 of the specification) was tested against 56 cancer lines and exhibited very good anti-proliferative activity (see Table 1a, page 7 and 8 of the specification).

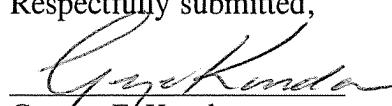
These results indicate that the compounds recited in new claim 11 have an improved effectiveness compared to the three compounds XNO, XN1 and XN3 taught by Webster et al. to satisfy an urgent need. This is significant due to the fact that different cancer types require the use of a variety of effective compounds. Since claim 11 is submitted to be novel and unobvious in view of Webster et al. and Godfrey, dependent claims 12 and 13, and claims 14

and 15 which are respectively directed to a method and pharmaceutical composition defined by the compound of claim 11, are also submitted to be novel and unobvious.

Favorable review and allowance of the new claims 11 to 15 are respectfully requested.

Respectfully submitted,

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